



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

June 29, 2021

VIA ECF

Hon. John G. Koeltl
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

1. Time to respond to the complaint
extended to 8/2/21.
2. July 6, 2021 Conference adjourned
to September 14, 2021 at 4:00 P.M.
So ordered.

Re: *Lyons v. United States Citizenship and Immigr. Servs., et al.*, No. 21 Civ. 3661 (JGK)

Dear Judge Koeltl:

6/29/21 JGK/Koeltl
U.S.D.-S.

This Office represents the government in the above-referenced mandamus action in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services ("USCIS") to adjudicate his Petition for Alien Entrepreneur (Form I-526). The government's response to the complaint is currently due by July 2, 2021, and an initial pretrial conference is scheduled to occur on July 6, 2021. I write respectfully, with plaintiff's consent, to request a 30-day extension of the government's time respond to the complaint, until August 2, 2021, and an adjournment of the initial pretrial conference until a date after the government's response would be due under the requested extension.

The extension is requested because the plaintiff's I-526 petition is based on an investment in an economic regional center under the EB-5 Immigrant Investor Program, and that EB-5 Regional Center Program expires tomorrow, June 30, 2021. The sunset of the program will occur because, last week, before going on recess until the middle of July, the Senate was unable to hold a floor vote on reauthorization of the Regional Center Program. USCIS has informed us that efforts to reauthorize the program are anticipated to resume after the recess ends; however, it is not clear when the program will be reauthorized (assuming that it will be reauthorized) and thus petitions such as the one at issue in this case cannot presently be approved. Given that the program will sunset tomorrow, the requested extension is necessary as the agency considers the impact of the sunset on affected petitions/applications, including that of the plaintiff. This is the government's first request for an extension of time to respond to the complaint.

For the same reasons as discussed above, I respectfully request an adjournment of the initial pretrial conference until a date convenient for the Court and after the government's response to the complaint would be due under the requested extension. This is the government's second request for an adjournment of the conference, and the plaintiff consents to this request as well. The Court granted the government's first request for an adjournment of the conference on May 21, 2021. See ECF No. 12.

I thank the Court for its consideration of these requests.

Respectfully,

AUDREY STRAUSS
United States Attorney

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cc: Counsel of Record (via ECF)